

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE WORLD TRADE CENTER DISASTER	:	21 MC 100 (AKH)
SITE LITIGATION	:	(All Cases)
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IN RE WORLD TRADE CENTER LOWER	:	21 MC 102 (AKH)
MANHATTAN DISASTER SITE LITIGATION	:	(All Cases)
-----X		
IN RE COMBINED WORLD TRADE CENTER	:	21 MC 103 (AKH)
AND LOWER MANHATTAN DISASTER SITE	:	(All Cases)
LITIGATION (straddler plaintiffs)	:	
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**DECLARATION IN SUPPORT OF MOTION TO DISMISS
CERTAIN PLAINTIFFS' CLAIMS**

CHRISTOPHER R. LOPALO, an attorney duly licensed to practice before the Courts of the State of New York and a Member of the Bar of this Honorable Court hereby declares under penalty of perjury:

1. I am associated with the law firm Worby Groner Edelman & Napoli Bern, LLP ("WGENB"), in these matters and respectfully submit this Declaration In Support Of The Motion For Dismissals Against All Defendants in Certain Plaintiffs' Cases.

2. On January 2, 2011, President Obama signed into law the JAMES ZADROGA 9/11 HEALTH AND COMPENSATION ACT OF 2010, Pub. L. No. 111-347, 124 Stat. 3623 ("Zadroga Act").

3. Title II of the Zadroga Act reactivates the September 11th Victim Compensation Fund ("VCF") of 2001 that operated from 2001 through 2003 to provide compensation for any individual who suffered physical harm as a result of the debris removal efforts that took place following the collapse of the World Trade Center on September 11, 2001.

4. The Zadroga Act requires individuals with pending September 11th related lawsuits to withdraw their lawsuits in order to seek compensation in the VCF.

5. The VCF will not issue payment on any claim (assuming the claim is eligible) until it receives a final order of the Court confirming the withdrawal and dismissal of an individuals' lawsuit.

6. Pursuant to this Court's instructions at the December 14, 2011 conference, the Plaintiffs were given leave to seek voluntary dismissals by motion pursuant to Federal Rule of Civil Procedure 41(a)(2). *See* excerpt from December 14, 2011 transcript as Exhibit "1".

7. The Primary Plaintiffs in the cases listed on the Voluntary Dismissal with Prejudice that is attached hereto as Exhibit "2" have all expressed their desire to our office to discontinue all of their World Trade Center debris removal claims in order to seek compensation from the VCF.

8. Accordingly, the moving Plaintiffs respectfully request this Court to "So Order" the Voluntary Dismissal with Prejudice that is attached hereto as Exhibit "2".

Dated: New York, New York
March 1, 2012

/s/ Christopher R. LoPalo
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